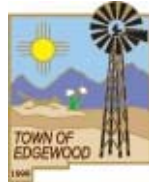


TOWN OF EDGEWOOD



SUBDIVISION ORDINANCE ADOPTED DECEMBER 7, 2005

Ordinance No. 2005-14

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SECTION 1. TITLE.

This ordinance may be cited as the "Subdivision Ordinance."

SECTION 2. AUTHORITY AND JURISDICTION.

A. AUTHORITY. This ordinance is adopted pursuant to §3-19-6 NMSA, 1978.

B. JURISDICTION. These Regulations are designed to accomplish the procedures for the processing, consideration, and filing of plats lying within the corporate boundaries of the Town of Edgewood (hereinafter, the "Town") and for property within the extraterritorial zone of the Town boundaries, which area is the Town planning and platting jurisdiction pursuant to §3-19-5 and §3-20-5 NMSA 1978. No subdivision of any land shall hereinafter be effected within the Town area of jurisdiction except in accordance with the provisions of these Regulations.

SECTION 3. PURPOSE.

These Regulations are intended to create orderly, harmonious, and economically sound development of the Town and to establish conditions favorable to the health, safety, convenience, and general welfare of citizens of the Town and its area of jurisdiction, and to recognize and preserve the Town's history and culture.

More specifically, provisions of these Regulations are designed to achieve adequate provision for light and air, public open spaces, water supply, drainage, sanitation including sewer facilities; economy in governmental expenditures and efficiency in governmental operations; safe, convenient circulation of people, goods, and vehicles; accurate and complete surveying, and preparation and recording of plats thereof; safety and suitability of land for contemplated development; and coordination of land development in accordance with orderly physical patterns as stated in official plans, policies, and such ordinances and codes in furtherance of plans and policies as may have been or may be hereafter adopted by the Town.

SECTION 4. INTERPRETATION.

These Regulations are intended to be minimum requirements to carry out the purpose stated herein and are not intended to interfere with any other laws, covenants, or ordinances. Whenever any of the provisions of these Regulations are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

SECTION 5. DEFINITIONS

- A. ADJACENT PROPERTY.** The discrete residences, lots or tracts which are located within 300 feet of the boundaries of the lot(s) or tract(s) which are included within the area of a proposed major subdivision.
- B. ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property.
- C. BLOCK.** Property bounded on one side by a street and on the other sides by a street, waterway including irrigation facilities, unsubdivided areas, or other definite barriers.
- D. CENTERLINE.** The line halfway between the street right-of-way lines.
- E. CUL DE SAC.** A short street intersecting another street and terminating in a vehicular turn-around.
- F. CLERK/TREASURER** The individual(s) serving as the chief administrative officer within the Town.
- G. EASEMENT.** An acquired or granted right of use which one person may have in the land of another.
- H. FIRE CHIEF (or Designee).** An individual certified by the State of New Mexico with authority to review plats of subdivision for compliance with applicable regulations delineated by the currently adopted Uniform Fire Code within the Town.
- I. IMPROVEMENTS.** Changes to the land and facilities necessary to prepare if for building sites including, but not limited to: grading, filling, streets, sidewalks, sanitary sewer and water system facilities, lines, and appurtenances, irrigation, drainage and flood control facilities, street lighting, and other facilities used by the public or used in common by owners of lots within a subdivision.

- J. LOT.** A tract or parcel of land:
 - 1. Exclusive of public right of way, placed on the County Clerk's records in accordance with this ordinance or predecessor ordinances, the Santa Fe County Subdivision Ordinance or predecessor ordinances, or the laws of the State of New Mexico, whichever had jurisdiction at time of filing; or,
 - 2. Held in separate ownership, as that parcel was shown on the records of the County Assessor, prior to October 2, 1950, effective date of passage of a County Resolution covering Subdivision.
- K. COMPREHENSIVE PLAN.** A comprehensive plan or any of its parts, adopted by the governing body, for the physical development of the area within the planning and platting jurisdiction of the Town for the general purpose of guiding and accomplishing coordinated and harmonious development.
- L. MONUMENT.** One or more of the following:
 - 1. **PERMANENT SURVEY MONUMENT** - A cap referenced to the New Mexico Coordinate System having the land surveyor's registration number inscribed thereon.
 - 2. **SUBDIVISION CONTROL MONUMENT** - A metal stake pipe or other approved marker which identifies position within a subdivided area and which is referenced to a permanent survey monument.
- M. CODE ADMINISTRATOR.** The individual serving as the chief administrative officer of the Community Planning and Development Department of the Town.
- N. PLANNING AND ZONING COMMISSION (COMMISSION).** The body appointed by the Mayor with consent of the Governing Body with the power, authority, jurisdiction and duty to enforce and carry out the provision of law relating to planning, platting and zoning; and other power, authority, jurisdiction and duty incidental and necessary to carry out the purpose of Section 3-19-1 through 3-19-12 NMSA, 1978; and to carry out the requirements of Articles 19, 20, and 21 of Chapter 3 of NMSA, 1978.
- O. PLAT.** A map, chart, survey, plan or replat certified by a registered land surveyor which contains a description of a subdivided land with ties to permanent survey monuments, said plat to be placed on record.
- P. PLAT, FINAL.** The final map of all or a portion of a subdivision or site plan conforming with the requirements stated herein, that is presented to the proper review authority for final approval; recordation in the office of the County Clerk within thirty-five (35) days of approval by the Town creates a legal subdivision.
- Q. PLAT, PRELIMINARY.** A map of a subdivision of land conforming with the requirements stated herein, that is submitted to the proper review authority for purposes of preliminary consideration and approval; the subdivider achieves vested rights to subdivision upon preliminary plat approval.
- R. PLAT, SKETCH.** A sketch or drawing of a subdivision plat conforming with the requirements stated herein, and used in the pre-application procedure prior to submission of the preliminary plat for a subdivision.
- S. PRIVATE WAY.** A portion of a lot or easement used for ingress or egress by persons or vehicles which is not a public right of way and which provides access between a public right of way and one or more lots.
- T. PUBLIC RIGHT-OF-WAY.** That public area of land deeded, dedicated by plat, or otherwise acquired by any unit of government and owned in fee for the purposes of movement of vehicles, pedestrian traffic, and/or for conveyance of public utility services, irrigation, or drainage.
- U. REPLAT.** The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as stated in the zoning ordinance.
- V. STREET/ROAD.** That portion of a public right-of-way or private way which is devoted to vehicular use.
- W. SUBDIVIDER.** Any person creating a subdivision, including the owner, equitable owner, or any authorized representative.
- X. SUBDIVISION.**
 - 1. The division of any lot or tract of land, within the corporate boundaries of the Town, by metes and bounds description, into two or more parts for the following purposes:
 - a. Sale for building purposes or lease;
 - b. Laying out a municipality or any part thereof;
 - c. Adding to a municipality;

- d. Laying out subdivision lots;
 - e. Resubdivision; or
 - f. Any division of land created by court order.
- 2. The division of land within the Town extraterritorial planning and platting jurisdiction, into two or more parts by metes and bounds description into tracts of less than five acres in any one calendar year.
- x.1. TOWN ENGINEER.** A professional engineer registered in accordance with the laws of New Mexico, and employed or contracted by the Town to perform work as directed.
- x.2. WAIVER.** Foregoing from one or more of the requirements of this Ordinance, upon making certain findings.

SECTION 6. GENERAL INFORMATION AND GUIDANCE.

A. PLATTING PROCEDURE

1. Every person who desires to subdivide land into two or more lots shall furnish a plat of the proposed subdivision prepared by a surveyor, registered and licensed by the state and shall comply with the requirements of these regulations. Upon request, the Planning & Zoning Office shall furnish the subdivider with basic information on the requirements.
2. Any proposed subdivision replat or vacation of plat occurring within the corporate limits of the town shall conform to the requirements of these regulations and shall be submitted for review and approval by the Planning & Zoning Commission prior to filing with the County Clerk, before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.
3. Any proposed subdivision, replat or vacation of plat occurring outside the corporate limits but within the three mile planning and platting jurisdiction of the Town shall conform to the requirements of these regulations and, as supplemented by the provisions of the Santa Fe County land subdivision regulations, and shall be submitted for concurrent review and approval by the Planning & Zoning Commission and the Santa Fe County Commissioners prior to filing with the Santa Fe County Clerk, before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.

B. CONSIDERATIONS FOR SUBDIVISION PLATTING. In order to provide guidance to subdividers concerning acceptable proposed plats, the following matters are fundamental:

1. Maintenance of Town Character/Atmosphere

- a. It is the policy of the Town, wherever reasonable, to encourage the maintenance of the atmosphere of the Town as characterized in the Comprehensive Plan.
- b. The Town, therefore, will view with favor subdivisions incorporating irregular size lots, provisions for open space, easements for bicycle and equestrian trail, concepts of historical land use and other factors calculated to maintain such an atmosphere.

2. Suitability.

The Planning & Zoning Commission shall not approve a subdivision of land if, from adequate investigations, it has been determined that in the best interest of the public health, safety or welfare, the land is not suitable for platting and development purposes of the kind proposed.

- a. **Geography.** Land subject to flooding, land deemed to be topographically unsuitable, and land that is for other reasons uninhabitable, all as determined by the Planning & Zoning Commission shall not be platted for residential occupancy or for such other uses as it may increase danger to health safety or welfare or aggravate erosion or flood hazard.
- b. **Services.** The availability of adequate, surfaced streets, adequate emergency access, fire protection, police protection, refuse service, public schools, parks and recreation facilities, and utility services shall all be weighed in considering the subdividing of land. The foregoing services are not all necessarily required; and the nature and extent of these services may effect the Planning & Zoning determination of suitability.
3. **Sewer.** Any subdivision or replat proposal which involves an extension of sanitary sewer lines will require a statement of sewer availability from the Town of Edgewood.
4. **Preservation.** The subdivider shall preserve major trees, scenic points, historic places and other community landmarks, as defined by the comprehensive plan, wherever feasible or required.

5. **Conformance of proposal to the Comprehensive Plan and other Land Use Plans.** Any subdivision or replat proposal which does not conform with goals, policies or other provisions of the Master Plan or other officially adopted land use plans shall not be approved.

SECTION 7. PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS.

A. PREAPPLICATION; PLANS AND DATE

1. **Pre-Application Conference.** Prior to submission of a plat the subdivider shall discuss with the Planning & Zoning Office the procedure and requirements for approval of the plat. The Planning & Zoning Office shall provide guidance to the subdivider as to the appropriateness of the proposal in relation to the Town Comprehensive Plan, other Town land use plans, policies, and zoning. The Planning & Zoning Office shall advise the subdivider as appropriate regarding requirements for general layout of streets, for dedications of land, for provision of infrastructure improvements, drainage considerations, fire protection, and similar matters, as well as the availability of existing services. The Office may assist the subdivider in analyzing the development and plan for its sound integration with the Town, and may therefore give informal guidance to the subdivider at a state when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the subdivider.
2. **Resubdivisions.** The submittal of a series of two-lot subdivisions, within a twenty-four (24) month period, on a tract of land will be considered a subterfuge to defeat the purpose of these regulations. Therefore, the submission of a resubdivision which creates additional lots within an area or a plat which was recorded less than twenty-four (24) months prior to a submittal of a resubdivision shall not be approved.

B. PRELIMINARY PLAT.

1. **Application.** Upon reaching a general understanding established by the pre-application procedure, the subdivider shall submit to the Administrator a written application together with ten (10) copies of a sketch plat. This plat shall contain all information as specified in this ordinance plus any additional material which is deemed necessary by the Administrator.
2. **Preliminary Plat Approval.** Upon receipt of written confirmation from the Planning & Zoning Office that the sketch plat, or as heard by the Planning & Zoning Commission, appears to be in substantial conformance with applicable regulations and policies, the subdivider may apply for a preliminary plat hearing by the Planning & Zoning Commission. The subdivider shall submit a written application along with ten (10) sets, of the preliminary plat and any supplementary material that may be required. The preliminary plat shall meet the standards specified in Section 8 of this Ordinance. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.
3. **Appeal.** If a subdivider disagrees with any of the preliminary plat approval findings or conditions of the Planning & Zoning Commission, he may file an appeal to the Town Council, pursuant to the procedures specified in Section 16 of this ordinance. At the Town Council meeting where the appeal is considered, the Town Council may reverse, affirm, or modify the Planning & Zoning Commission's recommendation. The Town Council may also return the plat to the Planning & Zoning Commission for reconsideration together with findings and instructions to the Planning & Zoning Commission. The decision of the Town Council shall be final.

SECTION 8. REQUIREMENTS FOR SUBMITTAL OF A PRELIMINARY PLAT AND FINAL PLAT.

A. PROCEDURE.

1. **Application.** Following notice of sketch plat approval by the Planning & Zoning Commission of a subdivision, the subdivider shall submit to the Planning & Zoning Commission a written application, together with the original and ten (10) sets of the preliminary plat, improvement plans, and other supplementary material as specified herein. The application package shall be submitted at least fifteen (15) working days prior to the regular meeting of the Planning & Zoning Commission at which the plat is to be presented for review. The plat shall include all land owned or controlled by the subdivider which is or may be suitable for or susceptible to the subdivision or development. The plat shall be drawn to a scale of no less than one (1) inch to one hundred (100) feet for the purposes of showing all details clearly. An adequate number of sheets, no larger than 18 by 24

inches, shall be used to show the proposed subdivision in its entirety. Where more than one sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.

2. **Review.** The Planning & Zoning Commission shall review the final plat, supplementary material, and comments by Town Consultants and other governmental agencies as may be appropriate. The Town may require that restrictive covenants be filed in conjunction with the plat. The subdivider shall be responsible for all fees for engineering consultant review and approval.
3. **Annexation and/or Rezoning.** If annexation and/or rezoning is proposed or required to accomplish the development envisioned in connection with the plat, the Planning & Zoning Commission shall withhold conditional approval of the plat until such time as annexation and/or rezoning shall be officially adopted by the Town Council.
4. **Decision.** If the final plat is approved by the Planning & Zoning Commission, such approval shall be recorded on the face of the original drawing of the final plat and on two (2) copies thereof and shall be dated and verified by the signature of the Chair of the Commission and the Mayor or a designated representative of the Council, and attested by the Town Clerk. Should the final plat be disapproved, the commission shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two (2) copies of the final plat. One (1) of said copies shall be returned to the subdivider and the other shall become a part of the files of the Planning & Zoning office. Approval or disapproval shall be given within thirty-five (35) days of the date of the final plat submission, unless the subdivider agrees in writing to a deferral.
5. **Recording.** The final plat is in full force and effect only after having been duly recorded in the office of the Santa Fe County Clerk and copies filed with the Administrator in the Planning and Zoning Office. Approval of the final plat shall become null and void if the plat is not so recorded within six (6) months after the date of approval, unless an extension of time is granted by the Planning & Zoning Commission. Submittal for recording is the subdivider's responsibility. In the case of a replat, the subdivider shall request the Santa Fe County Clerk to mark the original plat with the words "replatted" or "partially replatted" and refer on the original plat to the filed location of the replat. The Administrator shall mark the copies of the original plat on file in the Planning and Zoning Office of the Town in a similar manner.
6. **Replat.** After final approval of any plat, no lot or block shall be further subdivided or the area of any platting of any street, or easement established by said plat except upon the submission of a replat with the Planning & Zoning Commission securing its approval in accordance with the procedures herein established. Vacation of any portion of public right-of-way or public easement requires approval of the Town Council upon recommendation of the Planning & Zoning Commission.
7. **Acceptance of Land.** Approval of the final plat by the Commission shall be deemed to constitute acceptance by the Town of dedication of public rights-of-way, other proposed public easements, and public areas shown on the plat, provided the final plat is properly recorded with the Santa Fe County Clerk and the Administrator of the Planning and Zoning Department, and providing that all required infrastructure and any other conditions have been met as imposed by the Commission and have been installed and approved by the Town.
8. **Public Hearing.** No preliminary or final plat shall be acted upon without a public hearing. An application for final approval submitted for approval shall contain the name and address of the person to whom a notice of hearing shall be sent. Notice of the time and place of a hearing shall be sent by mail to the address on the plat not less than five (5) days before the day of the hearing first class mail to the subdivider or his agent and to the owners of adjacent property no later than fifteen (15) days in advance of the date of the hearing. Notice of the time and place of the hearing shall be placed by the Town Clerk in a daily newspaper of general circulation within the Town at least fifteen (15) days before the date of the hearing. The subdivider shall be responsible for all costs of public notice for the public hearing.

B. CONTENTS OF PRELIMINARY PLAT.

1. Submission for review.

- a. Any person or party proposing to subdivide land shall complete and submit a preliminary plat application, ten (10) sets of all application materials as required in this section for review, and the required preliminary plat subdivision processing fees.
- b. The preliminary plat application and submittal materials shall be filed at least fifteen (15) days prior to the regularly scheduled Planning & Zoning Commission meeting at which the preliminary plat application shall be heard.
- c. If sketch plat submission and approval has been required or submitted, a preliminary plat application must include proof by the subdivider that he has addressed and complied with all sketch plat requirements made by the Planning & Zoning Commission.

2. Preliminary Plat Requirements. Unless waived by the Planning & Zoning Commission, the preliminary plat and accompanying documents shall show at least the following:

- a. Name of proposed subdivision, name and address of subdivider, agent and principal person preparing the preliminary plat;
- b. Scale and north arrow;
- c. Proposed bench mark locations, proposed location of and method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments found or set;
- d. Plat boundary lines, bearing in degrees, minutes and seconds, with basis for bearings noted on shown, distances in feet and hundredths;
- e. The location of all present property lines, projected section lines, streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.
- f. Existing & proposed conditions of the site and its environs including the following:
 1. Present site designation or subdivision name.
 2. Easements on site: location, width, and purpose.
 3. Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, cable, electric and telephone lines.
 4. Existing storm drainage facilities on and adjacent to the site.
 5. Other significant conditions on the site: structures, trees, etc.
 6. Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope; character and location of development.
 7. Zoning on and adjacent to the site, including all applicable setback lines.
 8. Locations of planned water wells, reservoirs, and pump stations; locations, dimensions and purpose of all easements, public or private; rights-of-way for public services or utilities, and any limitations thereof;
 - a. Number or letter to identify each proposed lot and block;
 - b. Storm drainage management; For the purpose of minimizing or eliminating damage resulting from storm water runoff, the subdivider shall be required to furnish a plan for storm drainage management if the subdivision lies within a designated flood hazard area. Preparation of the drainage plan shall be done by a registered professional engineer and shall conform to the Town of Edgewood drainage ordinance and regulations, procedures, and standards as may be prescribed by state or federal laws.
 - c. A letter of water commitment from the water company and sewer availability from the Town of Edgewood
 - d. Ground elevation on the site based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:
 1. For land that slopes less than 1%, contour lines at intervals of not more than one foot;
 2. For land that slopes between 1% to 5%, contour lines at intervals of not more than two feet; and
 3. For land that slopes more than 5%, contour lines at intervals of not more than five feet.
 4. Other significant conditions on the site; major rock outcrops, trees, structures, and

the like.

- e. Zoning on and adjacent to the site; and
 - f. Total area of the proposed plat to the nearest one-tenth acre.
 - g. The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the subdivider and the owner of the tract, with the address to which any notice is to be sent.
 - h. The subdivider shall provide an estimated schedule of lot development. In particular, the schedule shall indicate when street paving, water service and sewer service will be provided.
- 3. Public Hearing.** No plat shall be acted upon without a public hearing. Public notice of the application shall be given in a newspaper of general circulation in the Town at least 15 days prior to the day of the hearing. The notice shall be published at the subdivider's expense and shall indicate the location of the proposed subdivision as well as where interested persons may examine the preliminary plat and file comments. Notice of the time and place of the hearing on the preliminary plat shall be sent by certified mail to the subdivider and all property owners with property abutting the proposed subdivision not less than 15 days before the date of the hearing.
- 4. Approval and form of preliminary plat.**
- a. If upon conclusion of the hearing the Planning & Zoning Commission shall find that such preliminary plat satisfies the requirements of this section, the Chair of the Planning & Zoning Commission shall sign and date approval thereof to substantially the following language, which shall have been previously placed on the plat: The proposed plan of subdivision as shown in the preliminary plat herein is approved and the Planning & Zoning Commission now is ready to receive the final plat of said subdivision for consideration.
 - b. One print of such preliminary plat so endorsed shall be returned to the subdivider by personal delivery or mail, and one print with such findings shall be placed in the files of the Administrator in the Planning and Zoning Office.
 - c. A subdivider may be required to submit to the Planning & Zoning Commission an amended preliminary plat for the purpose of complying with any order of the Planning & Zoning Commission.
 - d. Approval of a preliminary plat is effective for one year unless extended by the Planning & Zoning Commission, based on a finding that the delay has been unavoidable and the extension is in the public interest.

C. CONTENTS OF FINAL PLAT.

- 1. Preparation of final plat.** Receipt by the subdivider of a print of the preliminary plat approved by the Planning & Zoning Commission shall constitute authority for the subdivider to proceed with further plans and specifications for installation of infrastructure improvements. Applicant shall prepare a final plat application upon proof of compliance with the terms of the Planning & Zoning Commission's preliminary plat approval, all Town standards, this section, and any subdivision improvement agreements and private agreements which the subdivider may have entered into for the purposes of receiving preliminary plat approval. The final plat must be prepared by a surveyor licensed and registered in New Mexico as required in NMSA 1978, Section 3-20-2, and by a licensed engineer if required.
- 2. Final plat submission.** Following preliminary plat approval and the presentation of proof by the subdivider that he has complied with all preliminary plat requirements, the subdivider shall complete and submit a final plat application and all application materials as required in this section for review.
- 3. Public Hearing.** No plat shall be acted upon without a public hearing. Public notice of the application shall be given in a newspaper of general circulation in the Town at least 15 days prior to the day of the hearing. The notice shall be published at the subdivider's expense and shall indicate the location of the proposed subdivision as well as where interested persons may examine the preliminary plat and file comments. Notice of the time and place of the hearing on the preliminary plat shall be sent by certified mail to the subdivider and all property owners with property abutting the proposed subdivision not less than 15 days before the date of the hearing.

4. Disclosure of ownership interests and appointment of agents. Any person or party who proposes to subdivide land within the planning and platting jurisdiction of the Town of Edgewood shall provide with the proposed preliminary plat the following documents:

- a. True and correct copies of all current deeds or other documents showing any legal or equitable ownership interest in the property proposed to be subdivided;
- b. An affidavit from each person or party thus identified as having an ownership interest, other than the named subdivider, affirming under oath that the person or party authorizes the named subdivider to proceed before the Commission on behalf of that person or party; and
- c. A written appointment of agency signed by each owner of the property appointing as their representative anyone who seeks to appear on behalf of the owners before the Commission or otherwise assist in the preparation of information concerning the proposed subdivision of the property.

Failure to make full and truthful disclosure of the matters addressed in this subsection shall be deemed a material misrepresentation and shall, in addition to any other civil or criminal penalties provided by law, result in denial of the proposed subdivision.

5. Approval/Disapproval. If the final plat is in conformance with the preliminary plat as approved and conforms with these regulations, it shall be approved by the Planning & Zoning Commission. Should the final plat be disapproved, the Planning & Zoning Commission shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two copies of the final plat. One of the copies shall become a part of the files of the Planning & Zoning Office.

- a. Approval or disapproval shall be given within thirty-five 35 days of the date of final plat submission, unless the subdivider agrees in writing to a deferral. If the final plat is approved by the Planning & Zoning Commission, the approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and shall be dated and verified by the signature of the Chairman of the Planning Commission.
- b. Upon receipt of final unconditioned approval of the final plat by the Planning & Zoning Commission, and endorsement of the final plat by the Chair of the commission, the Mayor and Town Clerk, the applicant shall record the plat in the Office of the Santa Fe County Clerk. A paper copy of the recorded plat shall be submitted to the Planning and Zoning Office within thirty-five (35) days of recordation. No building permits will be approved for development within said subdivision until a copy of the recorded plat has been received by the Office.

6. Contents of the Final Plat.

- a. The final plat shall be in conformity with the requirements of applicable state statutes and shall be an accurate drawing designating specifically the land so laid out, and particularly describing the portions thereof intended to be dedicated for public use. Such final plat shall be produced by computer and printed in black ink, or drawn by hand in black ink to a scale of not more than 100 feet to the inch from an accurate survey. It shall contain one or more sheets of dimensions not exceeding 18 inches by 24 inches. If more than two sheets are submitted, an index sheet of the same dimensions shall be attached showing the entire subdivision on one sheet and the component area on the remaining sheet.
- b. **Information.** The final plat shall contain the following information:
 1. Name and legal description of subdivision; name and address of subdivider and agent; name and certification of licensed surveyor and any other principal persons preparing the preliminary plat.
 2. Scale and north arrow.
 3. All survey monuments shall be indicated and there shall be at least one permanent survey monument for each subdivision. Location of and method of ties to permanent survey monuments and location and type of subdivision control monuments. Descriptions of all monuments found or set. Survey monuments shall be referenced to the state Plane Coordinate System.
 4. Subdivision boundary lines; bearing in degrees, minutes, and seconds with basis for bearings noted or shown; distances in feet and hundredths. Total area of plat to nearest one-hundredth acre.
 5. Lot lines with bearings in degrees, minutes and seconds and distances in feet and

hundredths; public right-of-way and street widths; and centerline data; indicate roadways intended to be private; locations, dimensions, and purpose of all easements, public or private; rights-of-way for public services or utilities and any limitations thereof.

6. Existing & proposed conditions of the site and its environs including the following:
 - a. Present site designation or subdivision name.
 - b. Easements on site: location, width, and purpose.
 - c. Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, cable, electric and telephone lines.
 - d. Existing storm drainage facilities on and adjacent to the site.
 - e. Other significant conditions on the site: structures, trees, etc.
 - f. Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope; character and location of development.
 - g. Zoning on and adjacent to the site, including all applicable setback lines.
7. Location map showing location of the site in relation to well-known landmarks, abutting property owners, and municipal boundaries. Indicate location and distance of public right-of-way providing access to subdivision. Include name, width, type and specifications of surfacing. Show reference to recorded subdivision plats of adjoining platted land by recorded name, date, book, and page number in the office of the Santa Fe County Clerk.
8. Number or letter to identify each lot and block.
9. Lot areas in acres to the nearest third decimal place. If private roads are proposed, lot areas shall be shown inclusive and exclusive of the ingress and egress easement.
10. The accurate location and dimensions of all property for dedication for public use, with the purpose indicated thereon, and of all property that is to be reserved by deed covenant for the common use of the property owners of the subdivision.
11. The following language shall be placed upon each plat:
Public utility easements shown on this plat are not exclusive and are dedicated for the common and joint use of the utilities designated on this plat, their successors and assigns, and for the use of any other public utilities whose use of said easements is deemed to be in the public interest by the Town of Edgewood.
- c. **Consent and Dedication.** Statements signed by the owner or agent of the owner that:
 1. The subdivision is with the free consent and in accordance with the desire of the owner of the land;
 2. The public rights-of-way and other public areas shown on the plat are dedicated to the Town (if the subdivision is within the Town boundaries) or to another appropriate governmental entity as specified on the plat; and,
 3. The easements as shown on the plat are granted for the specified use, showing whom they are granted and any conditions associated therewith.
- d. **Certifications.** The following persons shall make the following certifications:
 1. Land surveyor, in accordance with the laws of the State of New Mexico and applicable subdivision ordinances certifying the accuracy of the survey and plat, the date of the survey, that he prepared or supervised preparation of the plat, and that he has shown all easements of record.
 2. Santa Fe County Treasurer that the previous ten years' property taxes due and payable have been paid.
 3. Authorized representatives of the local water, electric, gas, telephone, and cable utilities certifying that their systems' needs have been met; this requirement may be waived for subdivision when the Commission determines that the requirements of such utilities are found to be unreasonable or not in the public interest.
- e. **Supplementary Material.** The following supplementary reports shall be submitted with the final plat, as required by the Planning and Zoning Commission or the Town Council.
 1. Storm Drainage Management. The subdivider shall furnish a plan for the collection and discharge of storm water from the subdivision. The plan shall provide that the storm water shall not be discharged in a different manner, nor at a greater volume or rate

than the storm water would have flowed naturally before development as specified in the Grading & Drainage Ordinance.

2. **Soils Analysis.** The subdivider shall provide a soils analysis by a qualified soil scientist to determine the adequacy of the soil for the proposed construction.
3. **Special Problems Analysis.** For land with difficult topography or other geographic hazards to life, health or property, a report and proposed solution shall be prepared satisfactory for the Planning Commission and in compliance with all existing ordinances.
4. **Improvement Plan.** The subdivider shall provide a detailed plan with specifications for all improvements required to be installed. These include road and street construction and surfacing, fences, utilities (water, gas, electric, sewage), and fire hydrants. Responsibility for maintenance to be indicated when applicable. The plan shall include a schedule for lot development, which shall indicate when improvements will be provided.
5. **Disclosure Statement.** Prior to selling or leasing any land in a subdivision, the subdivider must provide a disclosure statement to the prospective purchaser or lessee. (See Exhibit A).
6. Any other relevant information as determined by the Commission.

SECTION 9. REQUIRED IMPROVEMENTS.

A. SUBDIVISION IMPROVEMENTS AGREEMENT. Upon approval of plans and specifications by the Town, the subdivider shall execute a subdivision improvements agreement which guarantees completion of required improvements. The format of such agreement shall be set forth by the Town Attorney. After execution of a satisfactory improvements agreement, the subdivider may proceed with the construction of all such improvements.

B. INSTALLATION ASSURANCE. In the subdivision improvements agreement, the subdivider shall post a suitable improvements guarantee to accompany the subdivision improvements agreement in an amount estimated by a Licensed Professional Engineer with concurrence of the Town. The guarantee shall be at the discretion of the Commission. The improvements are essential to the delivery of Town services and utilities to the individual lots of the subdivision. Such guarantee may be by bond, letter of credit, escrow deposit, or other method acceptable to the Planning & Zoning Commission. The Town may, at its option, assess all or a portion of the property in the subdivision for the cost of any outstanding obligations incurred under a Subdivision Improvements Agreement and may record and foreclose against the property a municipal lien in accordance with §3-36-1, et. seq.NMSA 1978 or its successor municipal lien statutes.

C. Completion. All improvements shall be certified by Licensed Professional Engineer and shall be prepared in a form that will be satisfactory to the needs of the Planning & Zoning Commission and in compliance with all existing ordinances.

SECTION 10. DESIGN STANDARDS.

A. ACCESS: STREET LOCATION AND ARRANGEMENTS. The area proposed to be subdivided shall have frontage on and direct access to a street and, if such street is not improved to the satisfaction of the Commission it shall be so improved. Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic, and to afford satisfactory access to police, fire fighting and other emergency vehicles, and road maintenance equipment, and shall be coordinated so as to compose a convenient system.

1. Basic Policies.

- a. **Character.** The character, extent, width and location of all streets shall conform to the policies of the Town and shall be consistent and appropriate in their relationship to existing and planned streets, topographic conditions, public convenience, safety and the proposed uses of land to be served by such streets.
- b. **Continuation.** The arrangement of streets in new subdivisions shall make provisions for the direct continuation of the existing public street in adjoining subdivision (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The street and alley arrangement must also be such as to provide

opportunity for access and use by adjoining property owners.

- c. **Permit required.** No grading or construction of roads or driveways shall proceed prior to the approval of a permit pursuant to the procedures of the 2002-1 Grading and Drainage Ordinance

2. Engineering Criteria. Detailed intersection spacing and geometry, horizontal alignment for streets, block corner property line configuration, and cul-de-sac configuration must meet acceptable engineering standards.

- a. **Cul de Sacs/Dead Ends.** Cul-de sacs (dead end roads) shall not be longer than one thousand (1000) feet. At the closed end there shall be a turn around having a minimum driving surface radius of at least forty-two (42) feet for roads under 250 feet long and of at least fifty (50) feet for roads 250 feet and longer. A suitable alternative, such as a hammerhead turn around, may be acceptable if approved by the Code Administrator and the Fire Marshal. All turn around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-way diameter at the closed end of one hundred (100) feet.
- b. **Turning Radii.** All curb corners shall have radii or not less than twelve (12) feet and at important corners not less than twenty-four (24) feet or in accordance with accepted engineering practice.
- c. **Corners.** At all acute corners the property corner shall be rounded.

3. Private Way Standards. Private ways to provide access to subdivision lots may be created where private streets can adequately serve all identified transportation, utility, and storm water handling requirements. Private streets shall be subject to the following conditions:

- a. Private streets may be platted only where the Planning & Zoning Commission or the Town Council determines that they will always clearly function as local streets.
- b. A private street may be narrower than a public street to the extent appropriate to its function. However, a private road which provides access to the main body of two (2) to eight (8) lots that do not abut a public right-of-way, may not be narrower than twenty-four (24) feet. A private street serving only one lot may not be narrower than twenty (20) feet. Private streets serving more than eight (8) lots shall meet the same standards as for public rights-of-way.
- c. If a proposed private street is planned to serve a lot, it shall be shown on the plat creating or modifying the lot.
- d. The Planning & Zoning Commission may require private streets to include public or private utility easements, including easements for storm water drainage.
- e. If a private street is approved, it shall be clearly identified as such on the final plat and the responsibility for operation and maintenance shall be indicated on the plat. Private streets must be sufficiently maintained to allow access by emergency vehicles. A legal instrument intended to assure future operation and maintenance of such private street, such as an instrument creating a homeowner's association, shall be included in the subdivider's submittals to the Planning & Zoning Commission and to the Town Council as required in this ordinance under Final Plats and shall be referenced on the plat.

4. Public Right-Of-Way Standards.

a. Grade percentages

Except as otherwise provided by the 2002-1 Grading & Drainage Ordinance, vertical road grades shall not exceed the following:

- 1. Major and minor arterial roads or highways of 4 lanes or more with a speed limit of 55 miles per hour or greater as permitted by law: six to eight percent grade;
- 2. Collector roads of 2 lanes with a speed limit of 25-35 miles per hour: ten percent grade;
- 3. Local roads of 2 lanes with a speed limit of 25 miles per hour: eleven percent grade;
- 4. Grades at the approach to intersections shall not exceed 3% for 100 linear feet, excluding vertical curve distance; and

b. Cut and Fill

All roads shall be located so as to minimize areas of cut and fill and shall be located to conform to sound terrain management principles. In general, fill slopes shall not exceed a

3:1 ratio and cut slopes shall not exceed a 2:1 ratio unless it can be demonstrated with additional submittals prepared by a licensed engineer that subject soils are stable enough to sustain higher cut and fill ratios.

c. Local Gravel Roads/Place, Lane or Cul-De-Sac

1. There shall be a minimum of two percent (2%) crown in the driving surface for water runoff.
2. Adequate provisions for drainage shall be installed at all waterway crossings. Culverts shall be as per the Town of Edgewood's Grading & Drainage Ordinance. Culverts shall also be of sufficient gauge or thickness and length, and placed appropriately deep to withstand projected traffic loading and storm runoff. Where necessary to accommodate roadside drainage, driveways entering roads shall have culverts installed. Driveways shall also be designed and constructed so as to prevent flowing water from entering onto or crossing the roadway.
3. A paved dip section may be constructed, under appropriate conditions, to accommodate minor drainage for local roads. Drainage flows must be constructed less than 100 cfs. All dip-section designs must be approved by the Code Administrator. Only areas which can also be accessed during a 100-year storm via another route may have dip-sections.

d. Walkways, Bike Trails, Equestrian Trails, and Water Courses. The minimum right-of-way shall be ten (10) feet and a minimum surface width, if any, of ten (10) feet. When appropriate for purposes of public safety, sidewalks or walking paths may be required with paved roads of arterial classification. Surfacing of public sidewalks along roads may include concrete or brick. Other hard surface materials may be used if evidence is shown that they are coordinated with streetscape and project design.

1. For subdivisions of twenty-five (25) or more parcels, non-vehicular trails shall be required with roads of arterial, collector and subcollector classification. In lieu of this requirement, an internal, off-road trail system may be substituted, if the result connects existing trails, trail easements, or assists in the creation of an area-wide trail network on adjacent lands.
2. Where a subdivision is traversed by a trail, recognized by the Town of Edgewood, a trail easement shall be platted which conforms substantially with the trail. In lieu of this requirement an alternative trail connection or access may be substituted.

e. Curb and Gutter Requirements – Waivers. Where development conditions indicate, curbs and gutters may be required for collector or arterial roads in order to control storm water run off or facilitate the movement of traffic. Curbs and gutters may be waived if the following conditions are met to the satisfaction of the Commission

1. An alternative design is provided showing that the waiver will not contribute to the deterioration of the pavement edge. Alternative design means a design according to AASHTO Standards.
2. Drainage report, a site-by-site drainage and storm water control plan, or other analysis is provided showing curbing is not necessary to channel storm water; or
3. Substantial evidence is provided showing the curbing is not necessary to confine driveway access to specific locations to maintain the function of the road or street.

f. Road Names. Road names or numbers shall not duplicate or be similar to the names or numbers of existing roads; if the proposed road is an extension of an existing road, then the proposed road shall have the name of the existing road. All road names and numbers shall be approved by the Santa Fe County Rural Addressing Division.

B. ACCESS TO HIGHWAYS AND ARTERIALS: BUFFERING REQUIREMENTS.

1. Where a proposed subdivision contains lots abutting or adjacent to an arterial or highway, it shall be planned so as to avoid having lots having frontage on said thoroughfares.
2. The subdivision shall be laid out to have a minimum number of intersections with arterials or highways and where appropriate, shall provide at least two separate points of ingress and egress to assure adequate access and shall be designed for all weather conditions. Driveways from lots shall access local roads and may access collector roads on a limited basis as approved by the

Planning & Zoning Commission.

3. Where the subdivision is traversed by or is adjacent to a state or federal highway, and in addition to these regulations, the subdivision must satisfy the New Mexico Department of Transportation Regulations Covering Design and Construction of Driveways on Non-Controlled Access Highways in New Mexico.

C. NON-RESIDENTIAL DEVELOPMENT

All nonresidential uses proposed shall share points of ingress and egress to the Buildable Area in accordance with the requirements of this subsection, unless it can be demonstrated that additional or separate access is required.

1. Spacing between points of ingress and egress shall be determined by the posted design speed and intended function of the road creating access to the Buildable Area, as follows:

NON-RESIDENTIAL CURB CUT SEPARATION	
MPH	FEET
25-30	200
30-35	270
35-40	315
40-45	375
45+	400+
*For driveway spacing at speeds greater than 45 miles per hour consult Table 6, Speed Change-Lane Length Requirements, for Driveway Spacing: NMDOT, Regulations for Driveways and Median Openings on Non-Access Controlled Highways.	

2. No driveway access may be located closer than 150 feet from an intersection.
 3. No driveway may be located closer than 50 feet from an intersection turning lane locations.
- D.** No structure or planting (at mature growth) that exceeds 3 feet in height shall be permitted within a corner setback. Exceptions are permitted for utility poles, lighting standards, mail boxes, Town or state traffic signs, and trees if the lower canopy of the trees allow a clear line of sight between 3 feet and 7 feet above the road grade.
- E. WATER AND LIQUID WASTE DISPOSAL SERVICE.** The subdivider shall present evidence that adequate provisions have been made for potable water and liquid waste service to each lot within the proposed subdivision or replat. Whenever a public sanitary sewer line exists within two hundred (200) feet of a proposed subdivision site, such sanitary sewer service shall be extended by the subdivider to serve each lot within the proposed subdivision. If private domestic well and/or liquid waste systems are proposed for use within the subdivision, all such systems must comply with the requirements of the New Mexico Environment Department or its succeeding agency. A public sanitary sewer line is considered to exist if it is completed or it can reasonably be expected to be constructed within one hundred eighty (180) days of the date of application for final subdivision approval. Any hook-ups to proposed Town sewer system must meet the applicable Town requirements.
- F. DRAINAGE.**
1. No existing watercourse or other natural drainage system, whether on-site or off-site, shall be disturbed by an on-site building development or construction activity unless a Town Engineer approves the change in accordance with the Grading & Drainage Ordinance.
 2. All floodways shall be dedicated as drainage easements or drainage right-of-way.
- G. EROSION.** No subdivider shall remove or permit to be removed the existing ground cover in the subdivision without making provisions to prevent wind and/or water erosion and resultant damage to adjacent properties in accordance with the U.S Environmental Agency's National Pollutant Stormwater Discharge System (NPDES). In addition, subdividers may be required to provide restrictive covenants which shall prohibit unnecessary removal of ground cover.
- H. EASEMENTS.** Easements of at least ten (10) feet in width shall be located such that each lot can be served by all proposed utilities. Utility easements shall be centered on the lot lines. Such easements shall be located according to a plan approved by the appropriate utility companies and the Planning Commission. Utility easements are encouraged to be placed parallel to access easements so that maintenance of electric, gas or water lines will not create the need to disturb the road or street. In the event utility installation or maintenance requires disturbance of a road or street, such road or street will be restored to a condition equal to or better than its original status. All public drainage easements and public right-of-way shall be dedicated of sufficient width for the purposes of improving, reconstructing and/or protecting the water course.

I. LOTS. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development. Every lot shall have egress and ingress to a public or private road network or system.

J. PUBLIC SITES AND OPEN SPACES. Where a proposed park, playground, school or other public use is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Commission deems such requirements to be reasonable.

K. FIRE HYDRANTS. Adequate fire protection shall be required for all subdivision and replats. The number and placement of fire hydrants required shall be as regulated by the Uniform Fire Code Standards as adopted by the Town. The Santa Fe County Fire Chief or Designee shall approve all hydrant locations and may impose more stringent requirements than those of this Ordinance if necessary in order to provide adequate fire protection to the subdivision.

L. SCHOOL IMPACT REPORT. A written report which projects the effects the proposed project will have on public schools, and which includes: the proposed number, size, and price of residential units within the project; a description of the project's target market; and where applicable, any special educational needs of the project's school-aged residents. The report will also identify the schools that service the area of the proposed project, the transportation available to those schools, and a list of any pending or approved residential developments within those schools boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Planning & Zoning Office.

M. GEOMETRIC STANDARDS, SUMMARY

Design criteria for roads are summarized in the following table:

Criteria	LOCAL		COLLECTORS	ARTERIALS	
	Place, Lane or Cul-de-sac	Subcollector		Minor	Major
Right-of-Way (feet)	24' to 50'	50'	50'	66' to 86'	100'
Minimum Driving Surface (feet)	20' to 22' Base Course	24' Base Course	24' Asphalt	24' Asphalt	24' Asphalt
Top course Depth (inches)	6"	6"	3"	4"	5"
Traffic Lanes	2	2	2	2 to 4	2 to 6
Lane Width (feet)	10' to 11'	12'	12'	12'	12'
Shoulder Width (feet)	N/A	N/A	18" Base Course	6'	6'
Max. Grade (percent)	11	10	10	6-8	6-8
Design Speed (mph)	25	25	25-35	45-55	45-55
Projected Average Daily Traffic (vehicles/day)	0 to 300	301 to 600	601 to 1999	2000 to 4999	5000+
Lots or Units Served	0 to 29	30 to 59	60 to 199	200 to 499	500+

N. MAILBOX INSTALLATIONS

A mailbox installation area shall be provided by the subdivider of ten (10) or more lots. All mailbox installations must meet the requirements of the U.S. Postal Service and drainage culverts shall be required for entrance and exit areas to the boxes.

SECTION 11. MODIFICATION AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape and/or surrounded by such development or unusual conditions that the strict application of the infrastructure requirements of this Ordinance would result in real difficulties and substantial hardships, the Planning & Zoning Commission or the Town Council may waive, vary or modify those requirements, so that the subdivider is allowed to develop the property in a reasonable manner, but at the same time so that the public welfare and interests are preserved. However, such relief may not be granted if it is detrimental to the public good or impairs the intent and purpose of this Ordinance or the desirable development of the community in accordance with plans and policies of the Planning & Zoning Commission. Any modification granted shall be entered in the records of the Planning & Zoning Commission setting forth the reasons which justified the modification. Further, in granting the modifications and exception, the Planning & Zoning Commission or the Town Council may place conditions which will, in its judgment, substantially secure the objectives of the standards or requirements involved.

SECTION 12. VACATION.

- A. Public rights-of-way may be vacated (voided) by recording a new subdivision plat. Such a request may be initiated by a request to vacate filed by all the owners of property directly affected by the proposed vacation or filed by the Town where it is found to be in the public interest.
1. Notice of the public hearing shall be mailed out to adjacent property owners informing them of the nature of the proposed vacation and notifying them of the date, time and place of the hearing at least 15 days prior to the hearing.
 2. The Planning Commission shall determine whether or not the vacation will adversely affect the interests of persons owning contiguous land or land within the subdivision being vacated. Findings of this determination shall be forwarded to the Town Council for Public Hearing.
 3. Public Hearing. Public notice in a newspaper of general circulation in the Town shall be published at least 15 days before the date of the hearing; the notice shall indicate; the location of the proposed vacation, where a map of the proposed vacation may be viewed, and information on the hearing. If approved by the Town Council, the statement of vacation is endorsed "Approved." Such endorsement shall be within 10 days of the conclusion of the hearing.
- B. Requests to vacate an interior lot line(s) and utility/drainage easements shall be accompanied by 10 copies of an 8^{1/2} " x 11" map of the lots to be vacated which at a minimum shall show:
1. Lot lines to be vacated.
 2. Adjoining roads and adjoining lots.
 3. Names and addresses of adjoining property owners.
 4. Title of the action requested (vacation of _____).
 5. Your name, complete address, and zip code indicated as petitioner.
 6. Legal description of the property.
 7. A letter from any known utility companies providing service to the area stating their recommendations regarding the vacation and any existing facilities they have over or across this property.

Interior lot lines(s) vacations shall require an endorsement from the Planning Commission; the matter shall be heard during a regular meeting of the Planning Commission.

- C. Recording. The vacation is in full force and effect only after the approved statement declaring the vacation has been recorded in the appropriate County Clerk's Office. The County Clerk shall be requested to mark the original plat with the words "Vacated: or "Partially Vacated" and refer on the plat to the volume and page on which the statement of vacation is recorded. The applicant shall also provide a copy of the recorded statement of vacation by the County Clerk to the Planning Office.

SECTION 13. CONSTRUCTION OF REQUIREMENTS AND VIOLATIONS

Construction which violates any provision of this Ordinance is strictly prohibited and no building permit shall be authorized, except in those cases where modifications or exceptions have been granted through the variance procedure by the Planning & Zoning Commission prior to start of construction. Violations without authorization by the Planning & Zoning Commission shall be cause for legal action by the Town to have the construction violation stopped, corrected and/or removed and a penalty assessed.

SECTION 14. FEES.

Fees will be established by resolution of the Town Council and will be subject to annual review and update.

SECTION 15. PENALTIES.

Any owner or agent of the owner, of any land located within the platting jurisdiction of the Town who transfers, sells, agrees to sell, or negotiates to sell the land by reference to or exhibition of or by other use of a plat or subdivision of the land before the plat has been approved as provided in this Ordinance and recorded in the office of the County Clerk, shall be guilty of a misdemeanor. Upon conviction, the owner or his agent shall pay a penalty of one hundred dollars (\$100.00) for each lot transferred or sold, or agreed or negotiated to be sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town, through its Attorney, may enjoin the transfer or sale or agreement by action for injunction or may recover the penalty by civil action.

SECTION 16. APPEALS.

Any person aggrieved with any determination of the Planning & Zoning Commission acting under these regulations may file an appeal to the Town Council by submitting a written application within 15 days of the Commission's decision. Appeals shall be filed with the Planning Office.

Any person aggrieved with an appeal determination of the Town Council acting under these regulations may file an appeal to the 2nd Judicial District by submitting a written application within 15 days of the Village Council's decision. The District Court may overrule or modify any ruling of the Town Council and make such findings as are not consistent with the provisions of these Regulations. Appeals shall be filed with the Town Clerk, and the District Court.

SECTION 17. AMENDMENT PROCEDURE.

The Town Council may, from time to time, amend or modify this Ordinance after public hearing, due notice of which shall be given as required by law.

SECTION 18. PUBLIC RECORDS.

The Town Clerk shall keep public records of findings, decisions, and recommendations concerning all subdivision plats filed for review, including such actions as may be taken by the Planning & Zoning Commission and Town Council through appeals or amendments to this Ordinance.

SECTION 19. SEVERABILITY OF PROVISIONS.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, if being the intent of the Council to enact each section, subsection, sentence, clause or phrase of this Ordinance separately and independently of each other section, subsection, sentence clause or phrase.

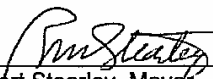
State Law References Regarding:

Subdivision § 30-20-1, et seq., NMSA 1978.

Subdivision regulations § 30-19-6 NMSA 1978.

Planning and platting jurisdiction § 3-19-5 NMSA 1978.

APPROVED AND ADOPTED by the Governing Body of the Town of Edgewood, Santa Fe County, New Mexico this 7th day of December 2005.


Robert Stearley, Mayor

ATTEST:


Karen Alarid, Clerk/Treasurer

